

COMBINED DECLARATION, POWER OF ATTORNEY AND VERIFIED STATEMENT CLAIMING  
SMALL ENTITY STATUS

As a below-named inventor, I hereby declare that: My residence, post office address and citizenship are as stated below next to my name; and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: OPEN LOOP CONTOROL OF SGDBR LASERS, the specification of which:

☒ [X] is attached hereto;

☐ [ ] was filed on \_\_\_\_\_, as Application Serial No. \_\_\_\_\_  
and was amended on or through \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a). I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Priority (Number)	(Country)	(Day/month/year filed)	Yes	No
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I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>60/215,739</u>	<u>June 29, 2000</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

And I hereby appoint Kenneth L. Stein, Patent Office Registration No. 38625; as my attorney, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith. Send all correspondence to Kenneth L. Stein, Agility Communications, 600 Pine Ave., Santa Barbara, CA, 93117; Phone: (805) 879-9258.

I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the above-entitled invention described in the specification. I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license any rights in the invention to any person who could not be classified as an independent inventor under 35 C.F.R. 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e). Each person, concern or organization to which I have assigned, granted, conveyed or licensed or am under an obligation under contract or law to assign, grant, convey or license any rights in the invention is listed below:

Agility Communications

☐ [ ] INDIVIDUAL ☒ [X] SMALL BUSINESS CONCERN ☐ [ ] NONPROFIT ORGANIZATION  
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Paul F. Crowder

Inventor's signature: \_\_\_\_\_

Date : \_\_\_\_\_ Citizenship : USA

Residence: \_\_\_\_\_

Post Office Address: Same As Above

Exhibit Mail No. 85585539 239 US

**SMALL BUSINESS**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. 1.9(f) AND 1.27(c)) – SMALL BUSINESS CONCERN**

I hereby declare that I am:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Agility Communications, Inc.  
ADDRESS OF CONCERN: 600 Pine Avenue, Suite A  
Goleta, California 93117

I hereby declare that the above-identified small business concern qualifies as a small business as defined in 13 C.F.R. 121.801-805, and reproduced in 37 C.F.R. 1.9(d) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled: **OPEN LOOP CONTROL OF SGDBR LASERS** by inventor(s) Paul F. Crowder described in:

☒ the specification filed herewith.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37b C.F.R. 1.9(c) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)

NAME	_____	
ADDRESS	_____	
<input type="checkbox"/> INDIVIDUAL	<input type="checkbox"/> SMALL BUSINESS	<input type="checkbox"/> NONPROFIT ORGANIZATION
NAME	_____	
ADDRESS	_____	
<input type="checkbox"/> INDIVIDUAL	<input type="checkbox"/> SMALL BUSINESS	<input type="checkbox"/> NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereof, or any patent to which this verified statement is directed.

NAME: Larry A. Coldren  
TITLE: Chairman and CTO  
ADDRESS: 600 Pine Avenue, Suite A  
Goleta, California 93117

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

6/29/01

Exhibit No. 1 \* 875873923505